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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 CONNIE DEVERS,
15 Defendant.

CASE NO. CR S 10-223 JAM
STIPULATION REGARDING DEFENDANT'S
COMPETENCY; FINDINGS AND ORDER
DATE: December 9, 2014
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

16
17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for a hearing on December 9, 2014 at 9:30 a.m.
21 2. The parties agree and stipulate, and request that the Court find the following:
22 a) The parties and the Court are in possession of a competency evaluation report
23 dated October 30, 2014, and prepared by John M. Greene, M.D. In that report, Dr. Greene sets
24 forth a description of his examination of Ms. Devers and related records, as well as his
25 conclusions as to her competency to stand trial. Ultimately, Dr. Greene concludes that "Ms.
26 Devers currently has an inability to understand the nature and consequences of the proceedings
27 against her, and to assist properly in her defense, due to the mental disease of Major
28 Neurocognitive Disorder." (Report, P. 8).

1 b) In diagnosing Ms. Devers, Dr. Greene opines that her disorder is “due to the
2 treatment she has received” for her illness, which has previously been disclosed to the Court.
3 (Report, P. 7) Dr. Greene explicitly states that her cognitive impairment is a result of the
4 treatment she is receiving for her illness. (*Id*)

5 c) The parties believe that Dr. Greene’s report provides the Court with a sufficient
6 basis for finding that Ms. Devers is “presently suffering from a mental disease or defect
7 rendering [her] mentally incompetent to the extent [she] is unable to understand the nature and
8 consequences of the proceedings against [her] or to properly assist in [her] defense.” 18 U.S.C.
9 § 4241(d).

10 d) Under the terms of the statute, once a finding of incompetency is made, “the court
11 shall commit the defendant to the custody of the Attorney General” so that the defendant may
12 receive treatment and a determination may be made as to whether the defendant will attain the
13 capacity to allow proceedings to go forward. 18 U.S.C. § 4241(d)(1). In this case, given the
14 defendant’s physical condition, and the fact that her incompetency is apparently caused by the
15 treatment she needs to treat that condition, the parties agree that commitment is inappropriate.
16 Instead, the parties jointly request that this matter be continued for a period of roughly 4 months,
17 to April 7, 2015 at 9:30 a.m. At this point the parties can assess and inform the court as to: a) the
18 defendant’s current physical condition; b) the defendant’s current course of treatment; and c) the
19 present impact of that treatment upon her competency.

20 e) If the Court determines that the defendant is presently incompetent to stand trial,
21 time is excluded from computation under the Speedy Trial Act from the present date through
22 April 7, 2015, pursuant to 18 U.S.C. § 3161(h)(4) [Local Code N].

23 IT IS SO STIPULATED.

24 Dated: December 8, 2014

BENJAMIN B. WAGNER
United States Attorney

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27 /s/ PHILIP A. FERRARI
PHILIP A. FERRARI
Assistant United States Attorney

1 Dated: December 8, 2014

/s/ Philip A. Ferrari for
Mark Reichel, Esq.
Counsel for Defendant
Connie Devers

5 **FINDINGS AND ORDER**

6 Consistent with the parties' stipulation and the evidence before the Court, it is hereby found that
7 the defendant, Connie Devers, is "presently suffering from a mental disease or defect rendering [her]
8 mentally incompetent to the extent [she] is unable to understand the nature and consequences of the
9 proceedings against [her] or to properly assist in [her] defense." 18 U.S.C. § 4241(d). For the reasons
10 stated in the parties' stipulation, the Court will not commit the defendant to the custody of the Attorney
11 General for additional treatment and evaluation. This matter is set for a status conference on April 7,
12 2015, where it is expected the parties will inform the Court of the defendant's present condition. The
13 time between today's date and April 7, 2015, shall be excluded from computation under the Speedy
14 Trial Act from the present date through April 7, 2015, pursuant to 18 U.S.C. § 3161(h)(4) [Local Code
15 N].

16 IT IS SO FOUND AND ORDERED this 8th day of December, 2014.

19 /s/ John A. Mendez
20 THE HONORABLE JOHN A. MENDEZ
21 UNITED STATES DISTRICT COURT JUDGE